

REMARKS

Claims 1-19 are pending in this application. Claims 1-5, 9 and 16-19 have been cancelled by the above amendment.

The Office Action dated September 8, 2004, has been received and carefully reviewed. In that Office Action, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Krigmont. By the above amendment, claims 1-5 have been cancelled. Claims 6-19 were withdrawn from consideration for being directed to an invention that is independent and distinct from the invention of claims 1-5. By the above amendment, claims 9 and 16-19 have been cancelled. It is respectfully submitted, however, that a proper basis for restricting claims 6-15 has not been presented. Furthermore, claim 6 is now directed to the same combination as cancelled claim 1, rather than to a sub-combination as alleged in the Office Action. Examination and allowance of claims 6-8 and 10-15 is respectfully requested in view of the above amendment and following remarks.

The Office Action indicates that the inventions designated I and II in the Office Action are separate and distinct. MPEP 803 provides that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." There are three ways an examiner can make a *prima facie* showing of a serious burden, which

are listed at MPEP 808.02. None of these three *prima facie* showings have been made in the present case.

In the present case, the examiner has indicated that inventions I and II are classified the same, so the first requirement for a *prima facie* showing is not met. No evidence that inventions I and II have acquired a separate status in the art has been presented; and no information has been presented to show a different field of search within a single classification would be required. In view of the above, it is submitted that inventions I and II should be searched in a single application because such a search would not impose a serious burden on the examiner.

Furthermore, the statement that the "subcombination has separate utility such as removing pollutants for cars" is not understood. Both inventions I and II are directed to boilers. Claim 6, the alleged subcombination, recites many elements of a boiler system. No evidence or explanation of how this subcombination could be used in cars is provided. Moreover, by the above amendment, the limitation of a catalyst has been added to claim 6 so that it is no longer even arguably directed to a subcombination of claim 1. For these reasons, it is respectfully submitted that the restriction requirement raised in connection with inventions I and II is improper and should be withdrawn, and the examination of claims 6-15 is respectfully requested.

Claim 6 as amended, requires, in a boiler comprising a boiler

body, a burner directing a flame into the boiler body, an exhaust gas exit and a plurality of heat transfer tubes in the boiler body between the burner and the exhaust gas exit defining at least one gas passageway through the boiler, the improvement comprising: a NOx reduction system including at least one nozzle in the boiler body downstream of the at least one gas passageway directed toward an outlet of the at least one gas passageway, a source of a reducing agent connected to the nozzle, and a NOx removal catalyst provided downstream of the nozzle.

The references of record do not show or suggest the arrangement required by claim 6. Krigmont does not show, among other things, at least one nozzle in a boiler body directed toward an outlet of an exhaust gas passageway defined by a plurality of heat transfer tubes. Vetterick does not show, among other things, a nozzle in a boiler body downstream of a gas passageway directed toward an outlet of the gas passageway or a catalyst as required by claim 6. The remaining references of record also fail to show or suggest the elements required by this claim. For these reasons, it is respectfully submitted that claim 6 and its dependent claims 7-15 are allowable over the references of record.

#### Conclusion

Each issue raised in the Office Action dated September 8, 2004, has been addressed, and it is believed that claims 6-8 and

10-15 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

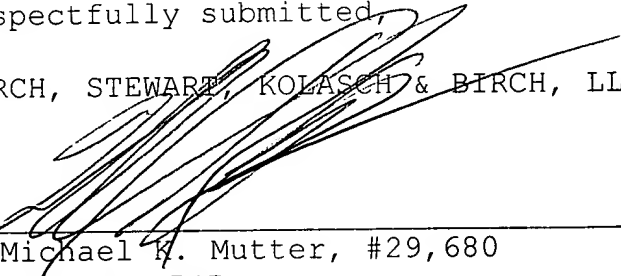
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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